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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/20/2021

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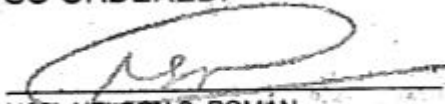
The application to amend Mr. Herbin's sentence is granted. The mandatory special condition of Mr. Herbin's supervised release requiring six (6) months of drug treatment upon release from incarceration may be completed at an out-patient facility. The Clerk of the Court is kindly directed to terminate the motion at ECF No. 407.

July 19, 2021

Hon. Nelson Stephen Roman  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Dated: 7/20/2021  
White Plains, NY

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

Re: United States v. Kevin Herbin  
Cr. Docket No. 15-05 (NSR)

Dear Judge Roman:

I represent Mr. Herbin in the above-referenced matter. On January 21, 2021, he pleaded guilty to violating a term of supervised release and was sentenced to a term of imprisonment of six months to be followed immediately by six-months in an in-patient treatment facility. Mr. Herbin completed his term of imprisonment without incident and was released on July 9, 2021. I write based on changed circumstances to request that the drug treatment component of the sentence be amended to out-patient, which will comply with the parsimony clause of 18 U.S.C. §3553(a), and allow Mr. Herbin to work and provide for his desperately needy family.

Mr. Herbin and his girlfriend, Ashley Santiago, have three children aged 13, 10 and 2, respectively. Ms. Santiago is out of work and now out of savings. The family lives together and after the payment of rent, it subsists on just \$300.00 per month. Ms. Santiago is studying online to be a nurse. Her efforts to enhance her employment potential are sorely compromised by her child-care responsibilities.

Mr. Herbin has been offered a job at a warehouse, earning \$20/hour. He is also aware of a nine-month out-patient drug treatment program at nearby Peekskill Pathways.

Income from Mr. Herbin's employment will greatly assist Ms. Santiago, who is clearly struggling on many fronts, and their young children. Lengthier treatment may be even more effective for Mr. Herbin than just six months of in-patient drug treatment. Further, were he at home Mr. Herbin could help with the child care.

I have discussed this matter with Mr. Herbin's probation officer, Ms. Biggs. Because she is new to his matter, she takes no position.

Respectfully submitted,

  
James M. Branden

MEMO ENDORSED